REMARKS

I.   Status of Application

Claims 1-18 are all the claims pending in the application. Claims 1-18 have been

rejected.

II.   Claim Rejections Under 35 U.S.C. 103

Claims 1, 2, 4, 5, 7-10, 12, 13, and 15-18 are rejected under 35 U.S.C. 103(a) as allegedly

being unpatentable over Yamamoto et al. (US Pub No. 2002/0178449), hereinafter "Yamamoto,"

in view of Soundararajan (US Pub No 2003/0084448) and further in view of Yuen et al. (US

Patent No 5,488,409), hereinafter "Yuen." Applicants respectfully traverse the rejection and

request reconsideration.

Regarding the rejection of independent claim 1, Applicants respectfully submit that claim

1 is patentable because each and every element is not disclosed or suggested by Yamamoto,

Soundararajan, and Yuen. Claim 1 recites (**emphasis added**):

> An apparatus for dynamically managing a user's favorite channels, the apparatus comprising:
>
> a user input unit receiving a channel change input from the user;
>
> a channel list storage unit storing an entire channel list comprising channels receivable using a tuner and channel preference information regarding the user's preference degrees for channels;
>
> a control unit **calculating a preference degree for a channel selected in response to the channel change input** received by the user input unit and analyzing a pattern of channel change inputs; and
>
> an output unit providing content of the selected channel according to calculation and analysis results of the control unit,
>
> wherein the control unit provides the content of the selected channel through the output unit in response to the channel change input if the calculated preference degree for the selected channel satisfies a predetermined reference, and **the control unit provides the content of the selected channel through the**

> **output unit if the calculated degree for the selected channel does not satisfy
> the predetermined reference and a predetermined pattern of channel change
> inputs is received by the user input unit,**
>
> wherein the predetermined pattern of channel change inputs makes
> possible movement to a channel that does not satisfy the channel preference
> degree.

For example, Applicants respectfully submit that Yamamoto in view of Soundararajan

and Yuen does not disclose or suggest the control unit provides the content of the selected

channel if the calculated degree for the selected channel does not satisfy the predetermined

reference, in combination with other elements of the claim.

On page 3 of the Office Action, the Examiner appears to take the position that switching

from a first channel control list to a second channel control list, as disclosed in paragraph [0040]

of Soundararajan, allegedly corresponds to the claimed providing of content of a selected

channel having a calculated preference degree that does not satisfy a predetermined reference.

Applicants respectfully disagree.

In particular, Applicants respectfully submit that Yamamoto modified by Soundararajan

would not suggest providing the content of the selected channel if the <u>calculated</u> degree for the

selected channel does not satisfy the predetermined reference. Of note the method of

Soundararajan does not switch to a channel that has a <u>calculated</u> preference degree that <u>does not</u>

<u>satisfy a predetermined reference</u>. That is, when switching channel control lists, Soundararajan

changes the list of channels in response to a channel change input <u>without first calculating a</u>

<u>preference degree</u>. For example, according to Soundararajan, after a first channel control list has

been surfed beyond a predetermined level (i.e., to its end point or a predetermined number of

times), in response to a next channel change input (paragraph [0040]: "if channel surfing

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continues beyond a predetermined level"), the operative channel control list is changed to a

second channel control list prior to making any determination of whether to tune to a channel in

either control lists (paragraph [0040]). At no point does Soundararajan suggest, explicitly or

inherently, changing a channel control list <u>after</u> determining if a channel according to the channel

change input is on a channel control list, in response to receiving a channel change input.

Therefore, the combination of Soundararajan and Yamamoto would, at most, suggest

modifying Yamamoto by changing a list of channels to be skipped <u>after receiving a channel

change input</u> but <u>prior to determining whether a selected channel is on a channel skip list</u>. That

is, as described in Soundararajan, the channel change input would first trigger a change of

channel control lists (i.e., a channel skip list in Yamamoto) prior to any calculation of a

preference degree of a selected channel. Thus, **assuming *arguendo* that determining whether

a selected channel is on a skip list, as disclosed by Yamamoto, corresponds to the claimed

calculating a preference degree (as suggested by the Examiner), the combination would not

teach determining whether a selected channel is on the skip list and tuning to the selected

channel when the selected channel is not on the skip list**. Rather, the combination would, at

most, suggest changing the channel skip list in response to a channel change input, determining

if a selected channel is on the changed channel skip list, and only tuning to the channel if the

selected channel is determined to be on the changed channel skip list. Therefore, the

combination would, at most, teach only outputting content of a channel if the channel is

determined to not be on a channel skip list.

As Yuen does not cure this deficiency of Soundararajan and Yamamoto, Applicants

respectfully submit that Yamamoto in view of Soundararajan and Yuen does not disclose or

suggest providing the content of the selected channel if the calculated degree for the selected

channel does not satisfy the predetermined reference, as recited *inter alia* in claim 1.

Furthermore, Applicants respectfully submit that Yamamoto in view of Soundararajan

and Yuen does not disclose or suggest a control unit calculating a preference degree for a

channel selected in response to a channel change input and providing the content of the selected

channel if the calculated preference degree satisfies a predetermined reference, in combination

with other elements of claim 1.

On page 3 of the Office Action, the Examiner appears to take the position that

determining whether a channel to be switched to is registered on a channel map 22 for skip, as

disclosed in paragraph [0049] of Yamamoto, allegedly corresponds to the claimed calculating a

preference degree for a selected channel of claim 1. Applicants respectfully disagree.

In particular, it is noted that Yamamoto merely provides a method of determining

whether a selected channel is on a channel skip list (paragraph [0048]; FIG. 7). Certainly, such a

determination of whether a channel is on a list does not correspond to a calculating of a

preference degree. Furthermore, determining whether a selected channel is on a skip list and

tuning to the channel when the channel is not on the skip list, as taught by Yamamoto, does not

correspond to the claimed calculating a preference degree and providing content of the selected

channel when the calculated preference degree satisfies a predetermined reference. That is, in

Yamamoto, there is no suggestion of a calculated preference degree and a predetermined

reference, let alone providing content when a calculated preference degree satisfies a

predetermined reference. Rather, Yamamoto merely provides a singular determination, i.e.,

determining whether a selected channel is on a skip list, without any suggestion of relating that determination against a predetermined reference.

As Soundararajan and Yuen do not cure this deficiency of Yamamoto, Applicants respectfully submit that Yamamoto in view of Soundararajan and Yuen does not disclose or suggest a control unit calculating a preference degree for a channel selected in response to a channel change input and providing the content of the selected channel if the calculated preference degree satisfies a predetermined reference, as recited *inter alia* in claim 1.

Accordingly, Applicants respectfully submit that claim 1 is patentable because the cited references, alone or in combination, do not teach or suggest all of the features of the claimed invention.

Regarding the rejection of claim 2, it is noted that this claim depends from claim 1 and is, therefore, allowable for at least the reasons set forth above. Moreover, Applicants respectfully submit that this claim is further allowable at least because Yamamoto in view of Soundararajan and Yuen does not disclose or suggest channel preference information that is an accumulation of times while a user stays at each channel, in combination with other elements of the claim.

On page 3 of the Office Action, the Examiner appears to take the position that the skip list disclosed in Yamamoto (FIG. 5B) allegedly corresponds to the claimed channel preference information. Furthermore, on page 5 of the Office Action, the Examiner appears to take the position that Soundararajan, at paragraphs [0036] - [0040], discloses an accumulation of times while a user stays at each channel. Applicants respectfully disagree.

In particular, Applicants respectfully submit that the combination would not have been obvious, and that the Examiner has not the burden for a *prima facie* obviousness rejection. The

Examiner is respectfully reminded that, in order to establish a *prima facie* obviousness rejection, the Examiner needs to provide both the existence of individual elements corresponding to the recited limitations, and <u>a reason to combine the individual elements in order to create the recited invention</u>. In the instant rejection, the Examiner has not provided any reason to combine the alleged accumulation of times disclosed in Soundararajan with the skip list disclosed in Yamamoto. Therefore, Applicants respectfully request that the rejection of claim 2 be withdrawn.

Regarding the rejection of claims 4, 5, 7, and 8, it is noted that these claims depend from claim 1 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of independent claim 9, Applicants respectfully submit that claim 9 is allowable for at least similar reasons as those provided above with regard to claim 1.

Regarding the rejection of claims 10, 12, 13, 15, and 16, it is noted that these claims depend from claim 9 and are, therefore, allowable for at least the reasons set forth above

Regarding the rejection of claims 17 and 18, it is noted that these claims depend from claim 1 and are, therefore, allowable for at least the reasons set forth above.

Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Yamamoto, Soundararajan, and Yuen as applied to claim 2 above, and further in view of Wugofski et al. (US Pub No 2003/0056216), hereinafter "Wugofski." Applicants respectfully traverse the rejection and request reconsideration.

Applicant submits that Wugolfski in combination with Soundararajan, AAPA, and Yuen does not cure the deficiencies of the combination of Soundararajan, AAPA, and Yuen discussed

above with respect to claims 1 and 9. Therefore, Applicant submits that claims 3 and 11 are
patentable at least by virtue of their dependencies.

Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over
Yamamoto, Soundararajan, and Yuen as applied to claim 1 above, and further in view of Taylor
(US Pub No 2005/0278648). Applicants respectfully traverse the rejection and request
reconsideration.

Applicant submits that Taylor in combination with Soundararajan, AAPA, and Yuen does
not cure the deficiencies of the combination of Soundararajan, AAPA, and Yuen discussed above
with respect to claims 1 and 9. Therefore, Applicant submits that claims 6 and 14 are patentable
at least by virtue of their dependencies.

III.   Conclusion

In view of the above, reconsideration and allowance of this application are now believed
to be in order, and such actions are hereby solicited. If any points remain in issue which the
Examiner feels may be best resolved through a personal or telephone interview, the Examiner is
kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116   Attorney Docket No.: Q95632
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      The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

                                            Respectfully submitted,

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